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August 13, 2025

VIA ECF

The Honorable Lewis J. Liman
Danial Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Lively v. Wayfarer Studios LLC, et al.*, Case No. 1:24-cv-10049-LJL;
Unopposed Motion to Redact and Seal Personal Medical Information from Wallace
Declaration/Notice of Sealing - See Liman Individual Practices Att. A ¶ 4b

Dear Judge Liman,

We represent Defendants Jed Wallace and Street Relations, Inc. Under Local Rule 7.1(e) and the Court's Individual Practices in Civil Cases 1.C, we write to request the Court allow us to file redacted and sealed copies of documents. In Wallace's and Street's Memorandum of Law in Support of their Rule 12 Motions to Dismiss the Second Amended Complaint and some exhibits thereto, there is sensitive information and information otherwise designated Confidential. The Memorandum of Law quotes deposition transcripts that are currently designated Confidential under the protective order and also attached an excerpt of that transcript as an exhibit. The declaration of Jed Wallace, also attached as an exhibit, contains sensitive personal medical information about Mr. Wallace that this Court has already ruled once to be properly sealed. *See* Dkt. 292. *See* Liman Individual Practices 1.C ¶3. **Sealing Wallace's Declaration is unopposed.**

"Personal medical information implicates significant privacy interests that overcome the strong presumption of public access[.]" *Thor Equities, LLC v. Factory Mut. Ins. Co.*, No. 20 CIV. 3380 (AT), 2023 WL 6382684, at *1 (S.D.N.Y. Sept. 29, 2023); *Hanks v. Voya Ret. Ins. and Annuity Co.*, No. 16-CV-6399 (PKC), 2021 WL 2451981, at *2 (S.D.N.Y. June 16, 2021) ("protecting personal medical information outweigh[s] the public's right to access this information [when the redactions are] narrowly tailored."). *But see Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 121 (2d Cir. 2006) ("Where documents are used to determine litigants' substantive legal rights, a strong presumption of access attaches."). The Court and parties here already view information like this as Attorneys' Eyes Only information under this case's protective order. *See* Dkt. 125 (Protective Order) ¶1.c ("The following categories of information may be designated 'Attorneys' Eyes Only': . . . c. Medical information of parties or third parties[.]").

For Wallace's Declaration, what is sealed will be limited, tailored only to personal medical information, so we redact only the paragraph that describes his health issues. Wallace and Street

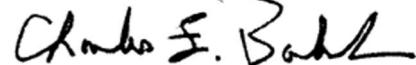
no longer cite that health information in the Memorandum. This Court previously granted permission to seal this document. *See* Dkt. 292.

For Wallace and Street's Memorandum, we cite and quote deposition testimony from Ms. Lively. That transcript is currently designated confidential under the protective order because it was taken fewer than 30 days ago. *See* Dkt. 125 (Protective Order) ¶4. We ask to seal and redact that information so that the Parties can meet and confer, and Ms. Lively has the opportunity to explain why if needs to be remained sealed, if at all. *See* Liman Individual Practices, Att. A ¶ 4b. Accordingly, we request the Court not rule on this letter motion for one week. We will inform the Court if Ms. Lively does not seek to file a redaction or to seal the exhibit.

Accordingly, we respectfully ask the Court grant this letter motion to seal and redact Mr. Wallace's personal medical information in Mr. Wallace's Declaration in Support of his Rule 12 Motion to Dismiss and Transfer Venue (Ex. A). And we also request the Court not rule on the remaining portion of the motion to seal as to Lively's Deposition Excerpts (Ex. B) for at least one week while the parties meet and confer. *See* Liman Individual Practices, Att. A ¶ 4b.

We thank the Court for its attention to this matter.

Respectfully submitted,



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cc: all counsel of record (via ECF)